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Committee on Political Affairs and Democracy

Speech of Mr Armen Harutyunyan

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Hearing on:

Ukraine: prospects for peace and humanitarian challenges

**jointly organised with the
Committee on Migration, Refugees and Displaced Persons**

Strasbourg, 22 April 2015

Distinguished members of the Committees, ladies and gentlemen,

As you know, for more than a year, since mid-March 2014, the United Nations Human Rights Monitoring Mission has been monitoring situation in Ukraine with a special focus on the eastern regions and the Autonomous Republic of Crimea.

We have a 35 strong team with offices in Kyiv, Donetsk, Dnipropetrovsk, Kharkiv, Odesa and Lviv.

So far, we have issued nine reports, with the most recent one covering the period from 1 December 2014 to 15 February 2015. The tenth report will be released on 29 May and cover three-month period until 15 May.

In 2014, the Mission has been active in the development of the National Human Rights Strategy and will continue to assist the Government of Ukraine in the development of the National Human Rights Action Plan.

As the head of the Mission, I was also included into the Constitutional Committee at the beginning of 2015, led by the Speaker of the Parliament.

Ukraine is in a protection crisis, and the Office of the United Nations High Commissioner for Human Rights (OHCHR) – together with colleagues from the Office of the United Nations High Commissioner for Refugees (UNHCR) – co-lead the Protection Cluster, addressing protection in humanitarian action.

So let me brief you on human rights challenges in the east of Ukraine and in the Autonomous Republic of Crimea as seen by our Mission.

Human security challenges in the east

The armed conflict has had devastating effect on the population of Donetsk and Luhansk regions.

In a year, since the start of the security operation in mid-April 2014, over 6 200 people (both military and civilian) have been killed and over 15 500 have been wounded.

These figures are estimates as of 20 April 2015, and the actual number of casualties could be considerably higher.

Civilians continue to suffer. So far, in 2015 alone (mainly between 13 January and 15 February), about 400 civilians have been killed as a result of indiscriminate shelling of residential areas and because of landmines and unexploded ordnance – both in the Government-controlled territories and in the territories controlled by armed groups.

After the ceasefire agreed in Minsk – which entered into force on 15 February, the intensity and geographic scope of hostilities considerably decreased.

However, recently, especially between 11 and 15 April, fighting significantly escalated in the vicinity of the Donetsk airport and near the village of Shyrokyne in the Donetsk region, where heavy weapons, including mortars, artillery and tanks were extensively used.

Withdrawal of heavy weapons – as stipulated by Minsk agreements – has not been completed and is easily reversible. Therefore, we are increasingly worried that the dire human rights situation in the east is likely to deteriorate further as a result of breaches in the ceasefire.

Gross human rights violations continue to occur in the conflict zone. Our Mission is extremely concerned with new allegations of arbitrary executions, torture and ill-treatment of people in captivity of the armed groups, both of Ukrainian servicemen and civilians.

You may have heard of the case of Ukrainian serviceman Ihor Branovytskyi, allegedly executed by an armed group commander in January, and of his fellow servicemen taken captives in Donetsk airport and subjected to torture, ill-treatment and public humiliation.

Our Mission is following these and other cases, such as allegations of abductions, gender-based violence, forced labour and seizure of property. The exchange process envisaged by Minsk agreements has been practically stalled, and hundreds of people in captivity of the armed groups are still at very high risk of being ill-treated.

We also continue to receive reports about arbitrary and secret detention and ill-treatment of detainees by the Ukrainian armed forces and law enforcement agencies. These reports come both from the areas close to the contact line between Ukrainian military and the armed groups, but also from other areas, such as Kharkiv and Odesa. Though some steps have been taken by the Ukrainian Government to restore justice in this regard, the impunity of perpetrators has been a prevailing trend observed by the Mission.

Civil, economic, social and cultural rights in the East

The impact of the conflict on the enjoyment of civil, economic and social rights has been devastating for about five million people living in the conflict-affected area and for more than a million internally displaced persons.

Heavy and indiscriminate shelling led to almost total economic and infrastructure breakdown in the worst affected localities. Some towns, like Debaltseve and Vuhlehirsk in the Donetsk region and Pervomaisk, Stakhanov, Khreschuavate in the Luhansk region were destroyed up to 90 per cent. No mechanisms of compensation are available for the civilians.

Despite the ceasefire, the humanitarian situation remains grim. Lack of food, most basic medicine and hygiene kits is reported in most settlements controlled by the armed groups. The situation of bed-ridden lonely elderly in small towns and villages is most dire, as many of them have not been identified and thus reached neither by the so-called 'local authorities' nor by humanitarian organisations for long periods of time. For instance, in mid-March, our Mission was informed of cases when the dead bodies of elderly were identified in their homes even a month after the ceasefire.

Following the so-called elections on 2 November in the areas controlled by armed groups, which were contradicting Minsk agreements and the Constitution of Ukraine, the Government of Ukraine adopted two Resolutions, which stopped allocations from the State budget (including social payments) to areas not controlled by the Government. This had a negative effect on the lives of ordinary people, particularly those in vulnerable condition, leaving them without any sources of income.

The system of passes introduced on 21 January by the Government of Ukraine, significantly limited the freedom of movement of civilians, isolated residents in non-Government held territories, stopped people from fleeing from conflict; generated corruption and impeded access of humanitarian aid.

The civilian population continues to suffer from the lawlessness and impunity of the armed groups, who for example prevented people from returning to their own homes, looted apartments and property of the civilians, regularly detained civilians, particularly young men and women.

Following the break-down in law and order, the self-proclaimed 'republics' attempt to establish parallel governance structures and legislative frameworks. In addition to violating the Ukrainian Constitution and breaching the Minsk agreements, it also has prevented people remaining in these areas to exercise their basic rights. Since April 2014 till now, the UN Human Rights Monitoring Mission became aware of at least twelve clergy members and seven parishioners, who have been captured and ill-treated by armed groups in both regions. At least 25 church buildings, mostly Protestant, have been seized by armed groups. The majority of attacks on church buildings took place during religious services.

The media outlets and their offices were among the first targets of the armed groups back in April-June 2014. As of now, no independent media remains in the areas controlled by armed groups. During the interviews with our Mission, people often mention that it is extremely difficult to access any alternative sources of information. Lack of objective reporting has also contributed the rise of hatred and deepened the division in society.

The conflict also continues to severely affect the daily life of the population, both in conflict-affected zones and in the rest of Ukraine. The proliferation of arms, the lack of job opportunities, limited access to medical and psychological rehabilitation, particularly for more than 20 000 demobilised soldiers, and a deep anxiety that the ceasefire may not hold all have a serious impact on the population and the prospects of reconciliation.

The recent killings in Kyiv of a former parliamentarian, Oleh Kalashnikov, and of a journalist and writer Oles Buzyna are also very disturbing and must result in a swift, independent and credible investigation shedding light on these crimes and ensuring justice and accountability for those responsible.

I will now move on to describe the human rights situation in the Autonomous Republic of Crimea, whose status is defined in the General Assembly Resolution 68/262, which reaffirms the Territorial Integrity of Ukraine.

Since 2014, the Mejlis of the Crimean Tatar people has been the only 'organised group' in opposition to the *de facto* authorities. Mejlis members or sympathisers have been intimidated and harassed; "police" raids were conducted on Crimean Tatar homes, mosques, cafes and other facilities. Some Crimean Tatars were prevented from crossing the administrative boundary line with mainland Ukraine, detained and fined under different pretexts. The leaders of the Crimean Tatars were banned from entering the Crimean peninsula. Generally, pro-Ukrainian activists are under pressure and many have left the peninsula.

The UN Human Rights Monitoring Mission has information about more than a dozen cases of disappearances which may have occurred under suspicious circumstances. None of these people were found to this day. At least three deaths were recorded by our Mission, including that of Crimean Tatar Reshat Ametov who was abducted on 3 March 2014 and found killed with signs of torture on 16 March.

The disappearances (and the murder of Reshat Ametov) have often been associated with the so-called "Crimean self-defence". The *de facto* authorities have not been willing to recognise that the so-called "self-defence" has committed human rights violations. There is a clear issue of accountability which has developed into a problem of impunity for human rights violations.

The issue of citizenship has affected the enjoyment of economic and social rights and access to services. According to Russian legislation, all the Crimean residents on the day of the so-called March 'referendum' automatically became Russian citizens and are entitled to Russian passports. Those who rejected Russian citizenship (about 3 500) are considered as 'foreigners'. If they did not obtain residence permits, they have no insurances, no access to health care in public hospitals; and cannot open bank accounts.

The situation with fundamental freedoms has worsened. The media and the press are strictly controlled. Critical articles are usually followed by 'warnings' and convocation in the prosecutor's office. Journalists or often accused of violating the law on 'extremism'. All media outlets needed to re-register under Russian law until 1 April 2015. Almost all Crimean Tatar media were denied registration, including ATR television and newspaper Avdet. Freedom of assembly is curtailed and public actions aimed at presenting alternative opinions are prohibited.

The freedom of religion is affected by the requirement to reregister under legislation of the Russian Federation till 1 January 2016. We have information that only 39 religious communities have been registered as of now. Before the so-called March 'referendum' over 1 400 religious communities were registered in the Autonomous Republic of Crimea. Without registration, religious communities can meet, but cannot enter into contracts to rent state owned property, employ people or invite foreigners.

Another recent development has been to initiate legal proceedings in relation to events that preceded the March 2014 'referendum' and the *de facto* application of the legislation of the Russian Federation on the peninsula. On 8 February 2015, Oleksandr Kostenko was remanded in custody in Crimea for allegedly injuring a Berkut special police officer during last year's Maidan events in Kyiv. In addition, the deputy head of the Mejlis, Ahtem Chygoz, and several other Crimean Tatars, were also remanded in custody this year for having taken part in a pro-Ukrainian demonstration two weeks before the March 2014 so-called 'referendum'.

In conclusion, I would like to reiterate that respect for human rights are bedrock for peace and stability in Ukraine. It means:

- impartial monitoring of the human rights situation, documenting testimonies of victims;
- redress for victims and accountability for perpetrators are the key elements for the long-term justice;
- inclusive and participatory dialogue (especially on Constitution);
- participation of women in peacemaking;
- freedom of expression,
- peace constituency;
- the importance of the International Humanitarian Law and Human Rights law to be respected by all parties to the conflict;
- access to essential services for the displaced and conflict affected population including legal, and psycho social support; and employment opportunities for victims of human rights violations, conflict affected population, IDPs and demobilised servicemen.

Thank you for your attention.